

Message Text

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ORIGIN DLOS-02

INFO OCT-01 ISO-00 SS-14 SP-02 ARA-06 EA-06 NEA-07 L-01

EUR-08 SAL-01 OES-02 SSO-00 INR-05 INRE-00 AF-04 IO-03

EB-03 PRS-01 /066 R

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LIMDIS FOR LOSDEL, AMB. LEARSON

E.O. 11652:GDS

TAGS: PLOS

SUBJECT:LOS: UPCOMING PLENARY DEBATE ON FINAL CLAUSES

REFERENCE: USUN 3632

1. ALTHOUGH OUR ROOM FOR MANEUVER MAY BE CONSIDERABLY
LIMITED YOU SHOULD MAKE EVERY REASONABLE EFFORT TO HAVE
DEBATE ON FINAL CLAUSES DEFERRED UNTIL THE NEXT SESSION
OF THE LOS CONFERENCE. IT IS CLEARLY PREMATURE TO DEAL
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WITH THESE ISSUES NOW WHEN THERE ARE SO MANY UNCERTAIN-

TIES CONCERNING THE SHAPE OF ANY FINAL AGREEMENT. IF IT IS IMPOSSIBLE TO DEFER DEBATE ON THE FINAL CLAUSES YOU SHOULD CONTINUE TO OPPOSE EFFORTS TO ENABLE NON-STATES TO BECOME PARTIES TO THE CONVENTION.

2. THE ISSUES POSED BY EUROPEAN COMMUNITY SIGNATURE, PLO, NLM'S, PUERTO RICO AND MICRONESIA ARE RELATED BUT AS YOU NOTE REQUIRE DIFFERENT TACTICS DURING DEBATE.

2. WE AGREE WITH YOUR PROPOSED TACTICS WITH RESPECT TO PUERTO RICO. IF SIGNIFICANT SUPPORT DEVELOPS FOR A PROPOSAL WHICH WOULD ACCORD SIGNATORY STATUS TO PUERTO RICO, YOU SHOULD REACT STRONGLY, STRESSING THAT THIS IS A DOMESTIC ISSUE BETWEEN THE US AND PUERTO RICO AND IS NOT

SUBJECT TO RESOLUTION IN A MULTILATERAL CONTEXT SUCH AS THE LOS NEGOTIATION. THE UNITED STATES IS RESPONSIBLE FOR THE CONDUCT OF FOREIGN RELATIONS UNDER THE COMMON-WEALTH ARRANGEMENT WITH PUERTO RICO. ALTHOUGH PUERTO RICO HAS EXPRESSED (IN THE GOVERNOR'S RECENT LETTER TO THE SECRETARY) A WISH TO SIGN THE TREATY, IT WOULD NEVERTHELESS BE PARTICULARLY HELPFUL IF YOU COULD SOLICIT THE SUPPORT OF THE PUERTO RICAN REPRESENTATIVE ON THE US DELEGATION, IF IT SHOULD BECOME NECESSARY TO MAKE A STATEMENT ON THIS ISSUE. YOU SHOULD KEEP THE DEPARTMENT INFORMED AS YOU LEARN MORE OF CUBAN INTENTIONS. IF AN ATTEMPT IS MADE TO MOVE THE TRANSITIONAL PROVISION INTO THE FINAL CLAUSES SECTION OF THE TREATY, YOU SHOULD FOLLOW PREVIOUS INSTRUCTIONS REGARDING THIS ISSUE. (STATE TELEGRAM 101847 APPLIES.

4. CONCERNING MICRONESIA, YOU SHOULD EMPHASIZE THAT SIGNATORY STATUS WOULD BE INAPPROPRIATE, NOTWITHSTANDING THE MICRONESIAN PARTICIPATION IN THE CONFERENCE AS OBSERVERS. IN ADDITION TO GENERAL POSITION SIGNATORY STATUS, USG FEELS IT WOULD BE INAPPROPRIATE IN CASE OF TTPI IN VIEW OF US RESPONSIBILITIES FOR FOREIGN AFFAIRS UNDER TRUSTEESHIP AGREEMENT. FUTURE STATUS OF MICRONESIA, INCLUDING MARINE RESOURCES QUESTIONS, ARE SUBJECT OF BILATERAL NEGOTIATIONS AND SHOULD NOT BE RAISED IN LOS
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TALKS.

5. REGARDING THE EC, WE AGREE THAT IT IS PREMATURE TO FOCUS ON QUESTION OF THEIR SIGNATURE AT THIS TIME, IN LIGHT OF BOTH THE UNCERTAINTIES WITHIN THE COMMUNITY ITSELF REGARDING THE MODALITIES OF COMMUNITY ADHERENCE TO A CONVENTION AND ALSO THE TACTICAL SITUATION WHICH COULD RESULT IF WE SUPPORTED THE COMMUNITY NOW AND NOT

THE OTHERS. IN ATTEMPTING TO SOLICIT EC SUPPORT YOU SHOULD STRESS THAT WE ARE FULLY AWARE OF THE DISTINCTION BETWEEN THE COMMUNITY SIGNATURE AND SIGNATURE OF THE OTHER ENTITIES UNDER CONSIDERATION. WE RECOGNIZE THAT IN CERTAIN AREAS COVERED BY THE TREATY THE COMMUNITY AND NOT THE MEMBER STATES HAVE COMPETENCE. YOU MAY SAY THAT WE ARE GENERALLY WELL DISPOSED TO THE IDEA OF COMMUNITY SIGNATURE BUT ARE UNABLE TO MAKE A DEFINITE COMMITMENT AT THIS TIME AND WOULD PREFER TO POSTPONE DOING SO UNTIL THE NEXT SESSION WHEN THE EC ITSELF WILL HAVE A DEFINITE POSITION ON EXACTLY WHAT IT REQUIRES AND WE HAVE HAD AN OPPORTUNITY TO EXAMINE THE LEGAL IMPLICATIONS.

6. IT IS IMPORTANT THAT THE TEXT NOT AUTHORIZE SIGNATURE BY THE PLO AND NLM'S. WE AGREE WITH YOUR RECOMMENDATION THAT US RESPONSE SHOULD BE DIRECTLY RELATED TO THE DEGREE OF SUPPORT THE ARAB RESOLUTION GAINS. WE THEREFORE CONCUR IN YOUR FOLLOWING THE OPTIONS SUGGESTED REFTEL AND LEAVE THE TACTICAL HANDLING TO YOUR DISCRETION. IN YOUR REMARKS, YOU MAY WISH TO DRAW ON THE FOLLOWING TALKING POINTS AS APPROPRIATE:

-- PLO AND OTHER NATIONAL LIBERATION MOVEMENTS ARE NOT STATES AND THEREFORE ARE IN NO POSITION TO CARRY OUT THE OBLIGATIONS OF SIGNATORIES.

-- DISTINCTION SHOULD BE MADE BETWEEN, ON THE ONE HAND, ADMISSION TO OBSERVER STATUS IN CONFERENCES AND UN SPECIALIZED AGENCIES AND, ON THE OTHER, ELEVATION TO THE STATUS OF FULL SIGNATORY OF A MAJOR INTERNATIONAL TREATY SUCH AS THE LOS CONVENTION.

-- THE U.S. CANNOT ACQUIESCE IN AN ACTION WHICH COULD
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UNDERMINE DOMESTIC SUPPORT IN THIS COUNTRY FOR AN OTHER-WISE ACCEPTABLE TREATY.

-- (FOR USE ONLY IN PRIVATE DISCUSSIONS WITH OTHER DELEGATIONS) ON A PRACTICAL LEVEL, PERMITTING THE PLO TO SIGN THE LOS CONVENTION WOULD CERTAINLY MEAN THAT ISRAEL WOULD REFUSE TO SIGN, THUS EXEMPTING ISRAEL FROM OBLIGATIONS WHICH THE ARABS AND OTHER PLO SUPPORTERS WOULD FIND DESIRABLE TO HAVE IT ACCEPT.

7. WITH REGARD TO PARAGRAPH 9 OF REFTEL, WE WILL ADDRESS THIS MATTER LATER.

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, LAW OF THE SEA, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 11 SEP 1976
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: coburnhl
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE224825
Document Source: CORE
Document Unique ID: 00
Drafter: AGJAMES/WNEWLIN:HHB
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760343-0231
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760970/aaaachsp.tel
Line Count: 168
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: LIMDIS, STADIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: LIMDIS, STADIS
Reference: 76 USUN NEW YORK 3632
Review Action: RELEASED, APPROVED
Review Authority: coburnhl
Review Comment: n/a
Review Content Flags:
Review Date: 19 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 MAY 2004 by woolflhd>; APPROVED <15 SEP 2004 by coburnhl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: UPCOMING PLENARY DEBATE ON FINAL CLAUSES
TAGS: PLOS, US
To: USUN NEW YORK
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006